

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TYRONE HENRY,

Plaintiff,

No. CV 06-712-HU

OPINION AND ORDER

v.

PORLAND DEVELOPMENT
COMMISSION, LORI SUNDSTROM,
and BRUCE WARNER,

Defendants.

MOSMAN, J.,

On September 18, 2007, Magistrate Judge Hubel issued Findings and Recommendation ("F&R") (#83) in the above-captioned case recommending that Defendant's Motion for Summary Judgment (#47) be GRANTED IN PART as to any punitive damages plaintiff may seek on his Title VII, O.R.S. 659A.030, or 42 U.S.C. § 1981 claims, and DENIED IN PART as to all other claims, and further recommending that Plaintiff's Amended Motion to Strike (#73) be DENIED. No objections were filed.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate

judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Hubel's recommendation, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 23rd day of October, 2007.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court